

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED LIMITED AMENDMENT TO THE CITY OF BONNEY LAKE'S
SHORELINE MASTER PROGRAM**

SMP Submittal accepted May 15, 2015, Resolution No. 2447
Prepared by Sarah Cassal on August 3, 2015

Brief Description of Proposed Amendment:

The City of Bonney Lake has submitted to Ecology for approval, a limited amendment to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. The proposed amendment submittal contains changes to the Critical Areas Code. Additional reports and supporting information and analyses noted below, are included in the submittal.

FINDINGS OF FACT

Need for amendment. The proposed amendment is needed for compliance with the planning and substantive requirements of the SMP Guidelines contained in WAC 173-26. The original City SMP was approved by Ecology in August 1975 and the comprehensive amendment process was completed in October 2014.

SMP provisions to be changed by the amendment as proposed: The following sections of the existing City SMP are proposed for change (specific changes are found in Attachment A, Exhibit 1):

- Section 16.22.020, addressing the wetlands rating system.
- Section 16.22.040, addressing the habitat scores for wetlands.
- Section 16.22.050, addressing the Washington State Department of Ecology Wetland Mitigation Guidance.
- Section 16.26.030, addressing the City of Bonney Lake's Flood Insurance Rate Map.
- Section 16.26.060, addressing the general standards for flood reduction.
- Section 16.30.010, addressing the designations of habitat conservation areas.
- Section 16.36.060, addressing the definition of critical areas code.

Amendment History, Review Process: The city indicates the proposed SMP amendments originated from a local planning process that began on March 18, 2015. The record shows that a public hearing before the Planning Commission was held on April 8, 2015. Affidavits of publication provided by the City indicate notice of the hearing was published on March 16, 2015.

With passage of Resolution # 2447, on April 28, 2015, the City authorized staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review and verified as complete on May 15, 2015. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on May 29, 2015, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on June 12, 2015 and continued through July 13, 2015. No public hearing was held during the state comment period. One comment letter from the Department of Archaeology and Historic Places was received during the comment period. However, the comments did not pertain to the proposed limited amendment. Ecology sent all

oral and written comments it received to the City on July 27, 2015. On July 30, 2015, the City submitted to Ecology its responses to issues raised during the state comment period. The comments and the city's responses were not included as part of this decision because they were relevant to the proposed amendment.

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on March 16, 2015. Notice of the SEPA determination was published in the Enumclaw Courier-Herald on March 25, 2015. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following documents prepared by the City in support of the SMP amendment:

- A March 30, 2015 memorandum to the City Planning Commission from the City Community Development Department; and,
- An April 8, 2015 memorandum to the Mayor and City Council from the City Planning Commission Chair.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's proposed limited SMP amendment is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's comprehensive SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments updating the SMP, are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed amendments is effective 14 days from Ecology's final action.